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79-5153

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14 August 1979

79-3403

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File

PERSONNEL

MEMORANDUM FOR: Don I. Wortman
Deputy Director for Administration

THROUGH : John J. Hicks
Deputy Director, National Foreign Assessment
Center

THROUGH : Harry E. Fitzwater, Jr.
Director of Personnel

STAT FROM :
Chief, Requirements and Evaluation Staff/NFAC

SUBJECT : Nonstandard Work Schedules for the Requirements
and Evaluation Staff, NFAC

STAT REFERENCE : dated 9 April 1979

1. Action Requested: In accordance with Reference, it is requested that nonstandard work schedules for elements of the Requirements and Evaluation Staff be approved.

2. Background: Elements of the Requirements and Evaluation Staff are required to provide 24-hour service to ensure that our production-oriented customer offices are properly supported seven days-a-week. Adequate service could not otherwise be provided particularly in view of the time critical nature of the activities. The schedules of our Imagery Watch, SIGINT Watch, and Site Liaison Officers are constituted to equal 80 hours per two-week period, i.e., six 12-hour shifts and one eight-hour shift. The "normal" hours for the imagery Watch and Site Liaison Officers are 0600-1800 hrs. and 1800-0600 hrs. and those of the SIGINT Watch Officers are 1200-2400 hrs. and 2400-1200 hrs. Personnel assigned to these duties receive night differential, Sunday premium pay and holiday pay as appropriate. Overtime is required periodically as changes in workload and absences from duty dictate. Compensation for overtime is in accordance with .

ADMINISTRATIVE INTERNAL USE ONLY

DD/A Registry

79-3403

3. Recommendation: I recommend that you approve the establishment of these schedules.

CONCUR:

STAT

[Redacted Signature Box]

John J. Hicks
Deputy Director, NFAC

8/13/79
Date

STAT

[Redacted Signature Box]

* *Harry E. Fitzwater, Jr.*
Director of Personnel

10/26/79
Date

APPROVE:

/s/ C. D. May

Don I. Wortmann
Deputy Director for Administration

31 OCT 1979

Date

*This approves the request for establishing a nonstandard basic workweek, but does not authorize payment for the first 16 hours of overtime worked in excess of 80 hours in a bi-weekly pay period for employees at the GS-12 through GS-15 level.

SUBJECT: Nonstandard Work Schedules for RES/NFAC

DISTRIBUTION:

Original - DDA (return original to NFAC Admin, 2F-28 Hqs.)

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ADMINISTRATIVE—INTERNAL USE ONLY

PERSONNEL

SECTION V: HOURS OF WORK, LEAVE, AND PAY

r 29. HOURS OF WORK AND PREMIUM PAY

SYNOPSIS: This regulation defines the basic workweek and the variations thereof that may be operative in the Agency. The text covers factors that affect work schedules and compensation such as holidays and religious holy days, regular and occasional overtime, grade level restrictions on overtime payment, provisions of the Fair Labor Standards Act, methods of compensation, and compensation for night duty, night differential work, and work on Sunday. The regulation specifies the limitations of compensation for overtime, holiday, night, and Sunday work; deals with eligibility, accrual, and settlement of compensatory time; and mentions differentials associated with hazardous duty, duty involving physical hardship, and exposure to working conditions of an unusually severe nature. Throughout the regulation, the responsibility of supervisors, Operating Officials, and other senior officials in controlling premium pay is detailed.

- a. GENERAL. The Agency conducts some of its most important and critical work under conditions over which it has no control. These conditions include the course of world events, the needs of policymakers of the Government, and unpredictable changes in consumer requirements for timely intelligence. Within the constraints imposed by these conditions, hours of work for Agency employees will be established and administered in a manner that provides a normal, orderly work life. However, Agency personnel must be sufficiently flexible to adjust their work habits to changes in work schedules as required.

b. WORKWEEK AND WORK SCHEDULES

(1) STANDARD BASIC WORKWEEK

- (a) Operating Officials and Heads of Independent Offices will schedule standard basic workweeks for full-time employees in components under their jurisdictions in accordance with the following standards:
- (1) Duty hours are scheduled in advance and cover a period of not less than one week.
 - (2) The basic 40-hour workweek consists of five consecutive duty days, normally Monday through Friday.
 - (3) The working hours in each day in the basic workweek are the same.
 - (4) The basic nonovertime workday does not exceed eight hours.
 - (5) The occurrence of holidays does not affect the designation of the basic workweek.
 - (6) Breaks in excess of one hour are not scheduled in any basic workday.
- (b) Normally basic workweeks will be scheduled from 8:00 a.m. to 4:30 p.m., 8:30 a.m. to 5:00 p.m., or 9:00 a.m. to 5:30 p.m. Monday through Friday. One-half hour is allowed for lunch. When necessary to carry out the missions of the components, Operating Officials and Heads of Independent Offices may schedule standard basic workweeks with hours different from those prescribed above as long as such basic workweeks meet the standards given in paragraph b(1).

(2) NONSTANDARD BASIC WORKWEEK

- (a) The Deputy Director for Administration may approve work schedules that differ from the standards in paragraph b(1) for operations which are staffed on a 24-hour

ADMINISTRATIVE—INTERNAL USE ONLY

STAT



PERSONNEL

basis as long as the nonovertime scheduled work hours equal 80 in a two-week pay period, and the Operating Official certifies that one or both of the following conditions exist:

- (1) An operating component under his/her managerial control would be seriously handicapped in carrying out its functions if the scheduled tour of duty was restricted to the standard basic workweek, or to the conventional three eight-hour shifts per day schedule. For purposes of this regulation, "seriously handicapped" is interpreted to mean that adequate service could not otherwise be provided to customer offices as a result of a break in the continuity of operations, high employee turnover, or other disruptive conditions, or
 - (2) Operational and administrative costs would increase substantially if the functions were carried out within standard work schedules. Requests for approval of nonstandard work schedules, which are based on cost considerations, must include actual and proposed cost data relative to overtime, additional staffing, and nonproductive manhours spent in setting up and closing down operations.
- (b) The Operating Official exercising managerial control over an operating component for which a nonstandard work schedule has been approved will annually certify in writing to the Director of Personnel, through the Deputy Director concerned, the continued need for such a schedule.
 - (c) Proposed nonstandard work schedules which contain regularly scheduled overtime (i.e., hours of work in excess of the 80 hours of basic work requirement in a biweekly pay period) must reflect the specific day(s) in which the regularly scheduled overtime is established on a predetermined and fixed basis.
 - (d) Proposals for nonstandard work schedules will be forwarded for approval to the Deputy Director for Administration through the Deputy Director concerned and the Director of Personnel for their concurrence.
 - (e) The following guidelines will be used to determine leave and pay accounting:
 - (1) Employees at the GS-11 level and below will receive payment, in accordance with applicable regulations, for authorized overtime work performed that is in excess of 80 hours in a biweekly 80-hour pay period.
 - (2) Employees at the GS-12 through GS-15 level may receive overtime payment for authorized overtime work performed in excess of 16 hours in a biweekly, 80 hour pay period to the extent that such payments would not cause their aggregate compensation to exceed the maximum scheduled rate for GS-15 with respect to any biweekly pay period.
 - (3) Employees GS-12 through GS-15 may be granted overtime payment for the first 16 hours of overtime in a biweekly pay period provided that such hours represent directed work in a position which requires substantial amounts of overtime work on a continuing basis and productivity is predominately measurable in units of production or in hours of duty performed. Such positions will be identified by the Operating Official concerned, concurred in by the appropriate Deputy Director, and approved by the Director of Personnel.
 - (4) No overtime pay or other forms of premium pay will be paid to employees whose basic salary rate equals or exceeds the maximum scheduled rate for GS-15.
 - (5) Employees determined to be nonexempt under the provisions of the Fair Labor Standards Act will be paid overtime in accordance with the provisions of that act.

ADMINISTRATIVE—INTERNAL USE ONLY

PERSONNEL

STAT

- (6) Employees entitled to holiday premium pay will receive such pay when appropriate for hours worked not in excess of twelve which are not overtime work within a regularly scheduled workday.
- (7) Employees entitled to Sunday premium pay will receive such pay for each hour of Sunday work which is not overtime work and which is not in excess of twelve hours for each regularly scheduled tour of duty which begins or ends on Sunday.
- (8) Employees entitled to night differential pay will receive such pay for all regularly scheduled work between the hours of 6 p.m. and 6 a.m.
- (9) Whenever possible two consecutive days off will be provided in each workweek. As a minimum, one regular day off, preferably Sunday, will be provided.
- (10) The regularly scheduled hours of work in a nonstandard workweek will be performed within a period of not more than six days of an administrative workweek that consists of seven consecutive calendar days. Agency management has established the administrative workweek as Sunday through Saturday.
- (11) Annual and sick leave will be charged according to leave taken against the employee's established work schedule.

(3) **WORK SCHEDULES FOR INDIVIDUALS.** Operating Officials and Heads of Independent Offices may establish work schedules for individuals of not less than 40 hours which differ from the basic workweeks of their components as necessary either (a) to carry out the missions of those components or (b) to enable the individuals concerned to take educational courses which will equip them for more effective work in the Agency. This authority does not extend to work schedules proposed for operations that are staffed on a 24-hour basis that involve regularly scheduled tours of duty exceeding eight hours a day or to schedules for operations staffed on a 24-hour basis that involve seven or more consecutive working days.

c. **PREMIUM PAY.** General Schedule employees eligible for premium pay under the provisions of the Fair Labor Standards Act will receive the highest rate of overtime compensation and additional premium pay to which entitled under either FLSA or other applicable pay laws and policies.

(1) **NIGHT DIFFERENTIAL WORK.** Night differential work is regularly scheduled work between 6:00 p.m. and 6:00 a.m.

(a) Night differential work is compensated at an additional pay rate of 10 percent of basic salary for General Schedule employees.

(b) Night differential pay rate is also payable when an employee who is otherwise entitled to night differential pay does not work during those hours because of a holiday or for a period of leave with pay of less than eight hours during any biweekly pay period. It is not payable for any period of leave if the aggregate of paid leave during the same biweekly pay period is eight hours or more, nor is it payable for any period covered by a lump-sum leave payment.

(c) Prevailing rate employees will be paid for night differential work at rates in accordance with their wage schedule.

(2) **OVERTIME WORK AND COMPENSATION**

(a) **Definitions**

(1) Compensable overtime is that work performed by an employee in excess of the normal basic workweek which has been authorized by a designated senior official as compensable in accordance with Agency policy. Such overtime may be authorized in advance to meet scheduled or irregular requirements or authorized after performance by the employee.